

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	Cary L. Bates, et al.	:	Date: May 10, 2012
Group Art Unit:	2713	:	IBM Corporation
Examiner:	Unknown	:	Intellectual Property Law
Serial No.:	09/637,397	:	Dept. 917, Bldg. 006-1
Filed:	August 11, 2000	:	3605 Highway 52 North
Title:	SYSTEM, METHOD, AND PROGRAM FOR RECORDING PRESENTABLE DATA ACCESSED THROUGH INTERACTIVE LINKS DISPLAYED BY AN INTERACTIVE TELEVISION PROGRAM	:	Rochester, MN 55901

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 223313-1450

**DECLARATION OF ROY W. TRUELSON ACCOMPANYING  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

I, the undersigned attorney, declare that:

Prior to September 1, 1999, I was employed as an attorney for IBM Corporation at its offices at 3605 Highway 52 North, Rochester, Minnesota. Since that time, I have been engaged by IBM as outside counsel on numerous patent matters originating in the said Rochester, Minnesota office. I have access to the office and am familiar with the filing system used therein.

Docket No. ROC20000093US1  
Serial No. 09/637,397

In accordance with customary and usual practice, when correspondence from the United States Patent and Trademark Office is received at the Rochester, Minnesota office of IBM Corporation, the response is electronically docketed and the correspondence is date stamped and placed in a corresponding paper patent application file by an IP Law analyst, and given to the responsible attorney for the patent application. The procedure is the same whether the correspondence is received directly from the USPTO, or is forwarded to IBM's Rochester, Minnesota office after having been received by an outside attorney or agent.

I have personally reviewed the paper patent application file and electronic docket record for the present application at IBM's offices in Rochester, Minnesota. This review indicates that an official filing receipt dated September 29, 2000 was received on October 20, 2000, and that a Notice of Recordation of Assignment dated November 27, 2000, was received on December 7, 2000. The review further indicates that no correspondence from the United States Patent and Trademark Office with respect to the above matter has been received since December 7, 2000. Specifically, no office action requiring a response and no notice of abandonment has been received in the present application, either directly from the USPTO or forwarded from any outside attorney or agent. A printout of the electronic docket record where the nonreceived communication would have been entered had it been received and docketed is attached to this Declaration.

IBM's patent application file further indicates that a change of power of attorney and attorney address document were filed herein on June 20, 2002. This document directed that all future correspondence herein be sent to Grant A. Johnson at IBM's Rochester, Minnesota, office. This document further requested that telephone calls with respect to the present application be directed to the undersigned at (507) 289-6256. This

telephone number has been in continuous use by the undersigned for business purposes since 1999. The undersigned has no recollection or record of having received, at any time from the filing of the change of power of attorney and attorney address document on June 20, 2002, until May 8, 2012, any telephonic communication from the USPTO with respect to the present application.

IBM's patent application file further indicates that on July 27, 2004, and again on February 18, 2010, applicants filed status requests requesting status of the present application. In both instances, applicants received a stamped acknowledgment postcard acknowledging receipt of the status request. Applicants did not receive any other response to either status request. Copies of these requests and the acknowledgment postcards are attached to this Declaration.

On May 8, 2012, the undersigned contacted the PTO Ombudsman to obtain information with respect to the status of the present application, and was informed by telephone that a Notice of Abandonment in the present application had been mailed in approximately 2005. The undersigned was further informed that this Notice of Abandonment was mailed to Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas, i.e., the correspondent specified in the original declaration, and subsequently revoked in 2002. The undersigned was further informed that the official on-line USPTO record for the above matter listed a correspondence address of Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas.

The undersigned is unable to access the PTO's electronic record of the present application, and has no knowledge of the contents of any office action(s) issued in the

above matter or any other grounds for abandonment. The undersigned believes the information provided by the PTO Ombudsman to be correct.

In view of the above facts, the undersigned believes that the Notice of Abandonment herein, as well as any other correspondence which may have caused it, were erroneously mailed to Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas, and were not forwarded to IBM Corporation's Rochester, Minnesota office.

I, the undersigned attorney, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject patent application

Date: May 10, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Roy W. Truelson', with a long horizontal line extending to the right.

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Roy W. Truelson, Attorney  
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